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**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

SMITHKLINE BEECHAM PLC,
 SB PHARMCO PUERTO RICO INC., and
 SMITHKLINE BEECHAM CORPORATION,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

(Consolidated for Discovery
 Purposes Only)

Civil Action Nos. 03-4037; 04-
 215; 05-536 (N.I.I)

SMITHKLINE BEECHAM PLC,
 SB PHARMCO PUERTO RICO INC., and
 SMITHKLINE BEECHAM CORPORATION,

Plaintiffs,

v.

DR. REDDY'S LABORATORIES, LTD., et al.,

Defendants.

Civil Action No. 03-4179 (N.I.H)

STIPULATION AND [PROPOSED] ORDER

WHEREAS Plaintiffs SmithKline Beecham PLC, SB Pharmco Puerto Rico Inc. and SmithKline Beecham Corporation ("GSK") and Defendant Teva Pharmaceuticals USA, Inc. ("Teva") (collectively, "the parties") are engaged in ongoing patent litigation involving U.S. Pat. Nos. 5,002,953 and 5,741,803 (the '953 and '803 Patent Litigation), pertaining to rosiglitazone maleate;

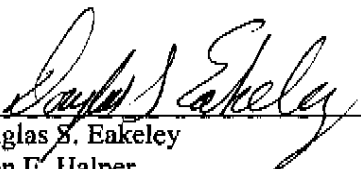
WHEREAS Teva has filed Abbreviated New Drug Application ("ANDA") No. 76-747 seeking approval from the United States Food and Drug Administration ("FDA") to market a generic version of GSK's rosiglitazone maleate product marketed under the trade name Avandia® and ANDA No. 77-337 seeking approval from the FDA to market a generic version of GSK's rosiglitazone maleate/metformin hydrochloride product marketed under the trade name Avandamet®;

NOW THEREFORE the parties hereby stipulate to the following:

1) If Teva elects to sell or market a product that is the subject of either of the ANDAs mentioned above before one of the events identified below occurs, Teva must first provide 45 days' advance notice to GSK that would allow GSK, if it so chooses, to file a motion for a temporary restraining order and/or preliminary injunctive relief:

- a) A court issues a decision holding that the asserted claims of the '953 and '803 patents are invalid, unenforceable or not infringed;
- b) The '953 patent and its pediatric exclusivity expire following a decision of a court holding that the asserted claims of the '803 patent are invalid, unenforceable or not infringed;
- c) The '803 patent and its pediatric exclusivity expire.
- d) The sale of a generic version of Avandia® or Avandamet®.

2) This stipulation contains and constitutes the entire understanding and agreement among the parties with respect to the foregoing subject matter.


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SO ORDERED:

Dated: November 27, 2006


Honorable Joel Schneider
United States Magistrate Judge